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LETTER TO COMMISSION CITY CLERK'S OFFICE

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: November 2, 2007

SUBJECT: Neighborhood No.3 - Normandy Shores ROW Infrastructure Improvement Project

The City is presently replacing the contractor responsible for the Normandy Shores Infrastructure Improvement Project. This is a decision made mutually between the City and contractor that is believed to be in the best interest of completing the project and resolving resident issues. A new contractor will mobilize as soon as the present contractor demobilizes.

The Normandy Shores Infrastructure Improvement Project is one neighborhood in the City's Capital Improvement Projects Right-of-Way Improvements Program. The scope of work includes enhanced landscaping and street lighting, repair, extension or widening of existing sidewalks to comply with ADA requirements; street resurfacing/pavement markings and improvement of dead-end streets with street lighting, landscaping, and/or parking; bicycle paths and pedestrian access ways; and improved stormwater drainage collection and disposal infrastructure.

Tran Construction Inc., one of the City's Job Order Contractors, was selected as the general contractor. A construction work order was executed on December 7, 2006. The second Notice to Proceed, which authorized construction activities, was issued on January 23, 2007. The work order provided 730 calendar days to complete the work, which translates to January 22, 2009.

The City, its program manager, and its consultant soon became concerned with the quality of the work as well as the pace of the work. It is the position of the City that these issues indicated that the contractor was experiencing difficulty in fully complying with the contract requirements. The contractor has expressed its disagreement with the assertions of the City and its consultants and has requested mediation on several outstanding issues. City staff and the contractor began the contractually mandated process of working these issues through.

Following several meetings with the City and Tran Construction, Inc., it was agreed by both parties that it is in the best interest of the project for Tran to voluntarily demobilize and for the City to have a different underground contractor complete the work.

As a result, the City is now preparing the deductive change order in accordance with the provisions of the JOC Agreement. This change order will provide a credit for work not performed as well as a date by which Tran Construction should demobilize. It is anticipated that the demobilization will occur by the beginning of December 2007.

To avoid delays to the project, the City has already interviewed two JOC Contractors from the new rotational list. Both contractors have undertaken and completed several projects of this nature. The

City selected the one that appeared best able to accomplish this work in a timely fashion and now awaits a final estimate for project completion.

The new contractor should mobilize to the site shortly after Tran construction demobilizes. The credit received from the Tran Construction contract will be used to pay the new contractor for the remainder of the work. However, it is anticipated that some additional funding may be required to complete the project.

It is estimated that the project has fallen several months behind schedule due to the issues noted above and the change in contractors. Therefore, the project is now scheduled for completion in the second quarter of 2009. After the replacement contractor mobilizes, the CIP Office will make every attempt necessary to expedite work and improve the completion date.

The CIP Office will also hold a Community Information Meeting at that time, to present the new contractor, discuss the schedule, and answer questions about the project.

Please do not hesitate to contact me, Tim Hemstreet, Assistant City Manager, or Jorge Chartrand, CIP Director, for further information.

JMGTHMECH

Attachments

c: Tim Hemstreet, Assistant City Manager
Jorge Chartrand, CIP Director